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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,195	09/04/2001	Kazuhiro Asada	110540	1204

25944 7590 10/20/2003

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EXAMINER

WOOD, KEVIN S

ART UNIT PAPER NUMBER

2874

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/944,195	Applicant(s) ASADA, KAZUHIRO	
	Examiner Kevin S Wood	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

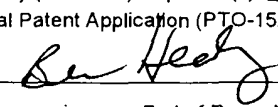
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                                                                          |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____                                               |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 August 2003 has been entered.

### ***Response to Amendment***

2. This office action is responsive to the applicant's amendment filed 15 August 2003. Claims 1 and 3 have been amend. New claim 9 has been added. Claims 1-9 are now pending in the application.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,049,040 to Biles et al.

Referring to claims 1 and 2, Biles et al. discloses all the limitations of the claimed invention. Biles et al. discloses an optical fiber guide device including: a guide body (G) operable to guide and hold an optical fiber cord (FC) received and bent along an arc therein, said guide body including a guide receiving part (B) having a base bordered substantially perpendicularly by a pair of peripheral walls for flanking the optical fiber cord to form a trough (C) having an opening opposite the base in a substantially U-shape cross-section, the base having a planform following the arc, first and second members of the pair of peripheral walls being respectively convex and concave to the trough, the trough able to receive the optical fiber cord through the opening, the pair of peripheral walls causing the optical fiber cord to bend in the trough along the arc; and a mounting part (F) provided on an outer face of the guide body and adapted to be fitted to an object of installation in which the optical fiber cord is to be installed. See the Fig. 1 through Fig. 5, along with their respective portions of the specification.

Referring to claim 3, Biles et al. discloses all the limitations of the claimed invention. Biles et al. discloses that the guide body includes a lid part (P) attachable to the to the guide receiving part (B) so as to cover the opening. See the Fig. 1 through Fig. 5, along with their respective portions of the specification.

Referring to claim 6, Biles et al. discloses all the limitations of the claimed invention. Biles et al. discloses that the lid part (P) includes at least one projection part (F1-F4), and the receiving part (B) includes at least one recess part (A'1-A'4) for receiving the at least one projection part. See the Fig. 1 through Fig. 5, along with their respective portions of the specification.

Referring to claim 9, Biles et al. discloses all the limitations of the claimed invention. Biles et al. discloses that the mounting part (F) is formed by locking pieces. See the Fig. 1 through Fig. 5, along with their respective portions of the specification.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,049,040 to Biles et al.

Referring to claim 5, Biles et al. discloses all the limitations of the claimed invention except, Biles et al. does not appear to disclose that the guide body is provide with a guide groove or guide channel which can hold a plurality of fibers in a posture where each of the fibers can be bent at the same bending radius. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a channel that allowed a plurality of fibers to be held at the same bending radius,

since this modification would have involved a mere change in size of the channel. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

***Allowable Subject Matter***

8. Claims 4, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 4, the prior art does not disclose the combination of all the limitations as claimed. Specifically, the prior art does not disclose stoppers which extend in a direction perpendicular to an axial direction of the optical fiber cored so as to clamp the optical fiber cord the optical fiber cord which is received and arranged in the guide receiving part from both sides, and bite a coating of the optical fiber cord to position and hold the fiber cord.

Referring to claim 7, the prior art does not disclose the combination of all the limitations as claimed. Specifically, the prior art does not disclose that at least one projection part includes a locking hole and at least one recess part includes a locking projection that fits into the locking hole to hold the lid part to the receiving part.

Referring to claim 8, the prior art does not disclose the combination of all the limitations as claimed. Specifically, the prior art does not disclose the mounting part

includes: a fitting post extending at a base of the mounting part from the guide body to a distal end for insertion into a mounting hole of an installation; a first pair of locking pieces at the base for impinging against a first surface of the installation; and a second pair of locking pieces at the distal end for impinging against a second surface of the installation after passing through the mounting hole.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,567,602 to Cole et al.

This reference discloses an optical fiber guiding trough that is similar to that of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (703) 605-5296. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

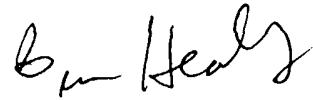
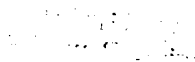
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

KSW

A handwritten signature in black ink, appearing to read "B. M. Healy". The signature is written in a cursive, flowing style.A faint, illegible stamp or text located below the signature. It appears to be a rectangular stamp with some text inside, but the details are too light to read.